

MINUTES
WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
February 28, 2011 at 6:00 P.M.

MEMBERS PRESENT: Larry Willis, Chairman; Tina Baxter, Scott Dowers, Mike Winge and Judy Writsel.

Also present were Attorney, Morrie Doll, Sherri Rector, Executive Director and Secretary and Sheila Lacer, Staff.

MEMBERS ABSENT: Terry Dayvolt and Don Mottley

Roll call was taken and a quorum declared present. The Chairman led the Board in the Pledge of Allegiance.

MINUTES: Upon a motion made by Mike Winge and seconded by Tina Baxter, the minutes of the last regular meeting held January 24, 2011, were approved as circulated.

The Chairman explained the Rules of Procedure to the audience.

SPECIAL USES:

BZA-SU-11-01 – APPLICANT: Custom Sign & Engineering by Chris Moore, Sales. OWNER: Busler’s Enterprises Inc. by Lisa McNeece, VP/Controller.

PREMISES AFFECTED: Property located on the E side of SR 261 approximately 360’ S of the intersection formed by SR 261 and SR 66. Ohio Twp. Pt. Pcl 2B Busler Minor #2. (Complete legal on file.) 7769 SR 66

NATURE OF CASE: Applicant request a Special Use SU-8 from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana to allow an on premise message board in a “C-4” General Commercial zoning district. *Advertised in the Boonville Standard February 17, 2011.*

Chris Moore was present.

The Chairman called for a staff report.

Mrs. Rector stated they have all their return receipts except for an unopened envelope or receipt from Trinity College & Theological; Mike Railey and Steven Wickiser. She stated they were mailed according the Rules of Procedure. She explained this is a Special Use for an on premise message board for the Walgreens Pharmacy in their signage easement fronting on SR 261 – Parcel # 2 Busler’s Minor. She explained the property to the north, south and east are zoned “C-

4” being more of Busler’s property and to the west is zoned “C-3” – New Odyssey Investments (car lot). Mrs. Rector stated there is no flood plain on the property and there is an existing entrance off SR 261 & SR 66. She stated the sign is existing and they are moving it back 5 feet in order to be out of the new ROW of SR 261. She further explained a message board was permitted on the property prior to the County adopting a sign ordinance and since they are relocating the existing sign they must file for this Special Use. She added the applicant has answered the questions on the application and the application is in order.

The applicant had nothing to add.

Larry Willis reiterated they are moving the existing sign out of the new right of way so it can be in compliance.

Ascertaining there were no other questions from the Board and being no remonstrators present, the Chairman called for a motion.

Mike Winge made a motion findings of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.
7. The USE will allow the business to advertise to a larger area, promote and increase the amount of customer awareness of the location and is a relocation of an existing sign.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required State or Federal Permits.
2. Subject to an Improvement Location Permit being obtained.
3. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
4. Subject to any required Building Permit for the Warrick County Building Department.
5. Subject to all public utility easements and facilities in place.
6. Subject to the message board being used for on premise advertisement only and will not be used as a billboard for lease.
7. Subject to no use of words, “stop”, “danger”, “look”, or any other word which would confuse traffic.
8. Subject to no rotating or revolving beams of light.

The motion was seconded by Judy Writsel and unanimously carried.

BZA-SU-11-02 – APPLICANT & OWNER: Crossroads Christian Church, Inc., by Jack Arney, Exec. Pastor.

PREMISES AFFECTED: Property located on the W side of Epworth Rd. approximately 0' W of the intersection formed by Schnapf Lane and Epworth Rd. (W 1050) & 950' N of the intersection formed by Lincoln Ave. (S 450) & Epworth Rd. Ohio Twp. Pcl 1 Epworth Road Minor. (Complete legal on file.) *4311 Epworth Rd.*

NATURE OF CASE: Applicants request a Special Use SU-19 from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana to allow a counseling center for a church in an "A" Agriculture zoning district. *Advertised in the Boonville Standard February 17, 2011.*

Jack Arney was present.

The Chairman called for a staff report.

Mrs. Rector stated they have all the return receipts except for the Trustee of Ohio Twp. (Fire Station). She stated this application is for an SU 19 to allow a counseling center for a church in an "A" Agriculture zoning district. She explained this property is adjacent to the existing church and it has an existing house they want to use for the counseling center. Mrs. Rector explained the property to the north is zoned "C-4" General Commercial and is the Ohio Twp. Fire Dept; to the east is "R-1D" Single Family and is Schnapf's Hill Subdivision; to the south is zoned "A" and is part of Crossroads Church property and to the west is zoned "A" is owned by Deaconess Health System, Inc. She stated there is no flood plain on the property. She stated there is an existing residential driveway on property but the church owns additional property to the south with a commercial entrance they plan to utilize for the counseling center. She stated the County Highway Engineer, Bobby Howard has stated the traffic generated from this use will not warrant improvements to that driveway at this time. She added Mr. Howard did indicate they can use the residential driveway for a way in or a way out; not for two way traffic or they will have to upgrade it. Mrs. Rector stated the property has an existing garage they plan to demolish in order to access the southern entrance and use that area for parking and they are showing a proposed 4' x 6' sign that meets the ordinance. She explained the house is now served by a septic system and the Health Department has approved that unless there is any enlargement made to it. She stated they do have access to sewer across the street. She added the applicants have answered the questions on the application and it is in order.

Larry Willis reiterated the County Highway Engineer stated the existing residential driveway could be used for one way traffic only. He asked if it was designated which way; in or out.

Mrs. Rector stated it wasn't designated.

Jack Arney stated they intend to designate it as an entrance only. He stated he would prefer not having any more traffic going out on Epworth Road.

Jack Arney stated he was told the sewers were not across the street.

Mrs. Rector stated she thought he was the one who told her they were across the street.

Mr. Arney stated he was told Schnapf Lane was on septic and the sanitary sewer lines are down on Ashbury Lane so they will have to do it eventually and they are trying to figure it out. He stated they may have to run a line for about ¼ mile to where they currently hook in.

Mike Winge asked if he is talking about a lift station.

Mr. Arney stated he thinks they have the fall for that.

Mrs. Rector stated this property is in the TIF district and they are looking into upgrading the sewer system out there. She stated she thought he told her the sewer was available and they were deciding whether it was worth the septic or hooking up the sewer. She stated she knows Schnapf Lane is on septic because her son lives there but of course Deaconess Hospital and the other businesses are on sewer so it is close.

Jack Arney stated there is a sanitary sewer on the north edge of the fire station but getting to that is problematic and going west is problematic but they will figure it out.

Mrs. Rector stated if they ever want to make any improvements to this and enlarge it then it will be up to the Health Department whether they can use the existing septic or will be required to hook into the sewer.

Jack Arney stated they have an agreement with Deaconess Hospital from when they subdivided this property that when they improve this property they will go on sewer so they have to figure it out.

Mrs. Rector asked Attorney Doll if the Board wants to make the entrance only be used as one way in or out they could make it a condition on the approval to which Attorney Doll stated it could.

Ascertaining there were no other comments from the Board and being no remonstrators present, the Chairman called for a motion.

Mike Winge made a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.
7. The USE is an expansion for the existing church and will provide an additional resource to the community.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required Federal, State, or Local permits being obtained.
2. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.
3. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
4. Subject to all public utility easements and facilities in place.
5. Subject to the existing residential driveway being “ingress” only off Epworth Road.

The motion was seconded by Scott Dowers and unanimously carried.

BZA-SU-11-03 – APPLICANT: JCF, Ent. LLC, by John Fyffe, Owner. OWNERS: John C. & Rhonda Fyffe.

PREMISES AFFECTED: Property located on the N side of Vann Rd. approximately 300’ W of the intersection formed by Vann Rd. (S 350) & Montgomery Lane. Ohio Twp. (Complete legal on file.) *8644 Vann Rd.*

NATURE OF CASE: Applicant requests a Special Use SU-12 from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana to allow a

home occupation of an internet based firearm sales in an “A” Agriculture zoning district. *Advertised in the Boonville Standard February 17, 2011.*

John Fyffe was present.

The Chairman called for a staff report.

Mrs. Rector stated they have submitted all of the return receipts from certified mail on notice of this meeting to the adjacent property owners. She stated they are requesting an SU-12 Home occupation of an internet based firearms sales in an “A” Agriculture zoning district. She stated the property to the north, south, west and east is zoned Agriculture with residences. She stated the property to the southeast corner has recently been rezoned to “R-2” as the proposed Pebble Creek subdivision and there is no flood plain on the property. She stated they have an existing residential driveway off Vann Road. Mrs. Rector explained that a home occupation can only be 25% of first floor area and the square footage of the house is 2620 square feet which would allow 655 square feet of office. She stated per the plot plan they are using only 100 square feet. She added the applicant’s statement is “I will be operating a home-internet based firearms sales business. I am in the process of obtaining an LLC, ie, JCF Enterprises LLC and my federal firearms license (FFL). My home internet based business will be conducted from a 10’ x 10’ office located in the rear of the residence. All firearms sold will be delivered to my residence via UPS, Federal Express or similar type delivery services. All firearms will be kept secured inside a gun safe by me until delivered by me to customer.” She stated the applicant has answered the questions on the application and the application in in order.

The applicant had nothing to add so the Chairman called for questions from the Board.

Larry Willis stated the staff report stated that he would be receiving the firearms by FedEx or UPS or similar means. He then asked how the customer will be getting their firearms.

Mr. Fyffe stated if it is in state he will deliver them or they will pick up at his house. He stated the driveway he has is a large driveway and he will be scheduling only individual pickups.

Larry Willis stated so it won’t be a random any time pick up it will be by appointment only.

Mike Winge stated they are in the same business and he believes he should check because he thinks they will have to come pick them up because it has to be logged in at the shop (office). He stated he would be careful about taking them out.

Mr. Fyffe stated he understands and if they lived out of state then it would be sent to another Federal Firearms Licensed Dealer.

Mike Winge stated if somebody lives out of state then it would have to be sent to a firearms dealer in that state and if it is in state they have to come to his site to pick it up from him.

Mr. Fyffe stated he has not gotten his Federal Firearms License yet because they want his zoning permit in place before he starts the process. He stated he has everything ready to file for his license except this.

Mike Winge cautioned him to take lots of notes when they come to visit because there are a lot of things he can’t do. He stated there should be no problem working with FedEx but be sure he asks a lot of questions.

Mrs. Rector stated they need to ask the attorney if this can fall under a home occupation if the customer has to pick up or is it considered retail sales.

Attorney Doll stated he is reading the SU 12 description now.

Mike Winge stated if they purchase the gun and pay with a credit card or PayPal on line, he isn’t sure the actual pick up would fall outside a home occupation. He stated people aren’t walking in to a showroom to buy anything; they are stopping by to log the sale into a book on the premises.

Mrs. Rector stated so he won’t have a gun showroom for people to pick out a gun.

Mr. Fyffe stated he won't be maintaining any inventory either.

Mike Winge stated it is required that they come pick up the guns so he can log it out. He stated he will also have to run a check on them which is also required by Federal Law.

Larry Willis asked if everything will be sold by catalog except for the final transaction.

Mike Winge stated they are very strict about that.

Attorney Doll read the definition of a home occupation as *Any non-residential occupation or activity conducted within a dwelling and in which the person in charge of conducting said activity is an occupant of such dwelling, which use is incidental and secondary to the use of the dwelling structure which occupies not over twenty-five (25) percent of the first floor of such dwelling and does not change the character thereof and where there is no display of goods outside storage of goods or equipment and which does not involve the sale of goods, equipment or commodity on the premises.* He stated it is a judgment call by the Board but by Federal Law, he can't deliver a firearm unless it is in person.

Mike Winge stated they have to come to him.

Attorney Doll stated so the question of that is whether they think that is the sale of goods, equipment or commodities on the premises. He stated on the one hand, he has to by law do it on the premises, on the other hand, as a home occupation the statute has a problem with that. He stated whether the Board characterizes what he is going to be doing – as he understands from the testimony he is not going to have an inventory or displays of weapons or anything of that sort; he is going to receive inquiries from customers looking for a particular weapon (gun) and he will acquire that gun and he will comply with the Federal Law as to how he delivers it and the paperwork that has to be signed and background checks. He stated whether the Board thinks that is the sale of goods, equipment or commodity on the premises is up to them.

Mike Winge asked Mr. Fyffe is he is using the internet.

Mr. Fyffe stated he is.

Mike Winge stated so the money goes directly to his bank and there is no money transactions going to be on the property.

Mr. Fyffe stated that is how it will be set up and it will be web based.

Attorney Doll stated like PayPal.

Mike Winge stated so actually there will be no money transactions; it is only a pick up point and that is pretty well how he operates as well. He stated he is in a different category but the bottom line is there are no money transactions.

Larry Willis stated if the money transaction is prior to the pick-up ...

Mike Winge stated he just actually receives it and they come to pick it up.

Larry Willis stated so the point of sale is when the money is transacted.

Mike Winge stated his point is that it is all done through the internet and the money goes to his bank.

Attorney Doll stated if that is what the Board thinks then that is fine. He stated but they need to make some record of that in the motion, otherwise ...what he is worried about is that three months from now someone else comes in and wants to sell car parts or something else as a home occupation and they will say this was approved allowing him to sell guns as a home occupation. He stated if they are going to permit this and he isn't advocating either way but if they do they need to make a record of why it isn't a sale at the premise.

Mike Winge asked if people will walk in and purchase from him or will it be internet sales.

Mr. Fyffe stated it could be both but his primary purpose will be web based but that is not to say that he won't have friends or relatives that will want to purchase from him and he talks to them in his home but that won't be the primary means of soliciting customers.

Mike Winge stated he is in a different category than this and his customers have to do everything through the internet. He stated if he has someone who comes in and gives him cash then he will fall into the category the attorney was talking about and he suggests he keeps it web based. He stated the Board should probably make it conditioned that it is only credit card sales.

Attorney Doll that or only internet sales. He stated the Federal Laws requires him to personally deliver the item at his place of business, and asked if this is why you have to have a home occupation zoning before you can get your Federal License.

Mr. Fyffe stated he senses this is what they are wanting. He stated the guidance he has received is that zoning seems to be the number one hang up.

Mike Winge stated he was asked if he could get the zoning; it wasn't required to be in place but they need to make sure they could get it.

Mrs. Rector stated she has had to certify to the zoning several times before they get their licenses.

Attorney Doll stated it seems to him that if they want to approve this they need to define that the sales transaction has occurred electronically not at the site but the delivery of the weapon may occur at the site if required by Federal Law. He stated that might be an idea of how to approve it if they are so inclined. He stated they might want to think about conditionally approving it upon the granting of a Federal Firearms License. He stated otherwise they have created a home occupation and then if for some reason he doesn't get the FFL they have something in the neighborhood that could become something different.

Mike Winge stated they will have requirements when they come in. He stated he will have to have certain things there and they will let him know ahead of time.

Attorney Doll stated he thinks they have to make some distinction, if they are inclined to do it. He stated it is a policy decision not a legal decision. He stated his advice is if they are inclined to approve this they have to have some description that the sale isn't occurring at the site; otherwise it is arbitrary and capricious and a violation of the County Ordinance.

Mike Winge stated he would like to add one thing; anytime you can get small business into the community they should try to do that.

Mrs. Rector stated she thinks there should also be a limitation to the number of people coming to the house at one time.

Mr. Fyffe stated he would be happy with anything they set.

Mrs. Rector stated he just has a driveway and if three people....

Mike Winge stated they are talking about appointment only. He stated if somebody complains it could be a problem for him and he could end up back here.

Mr. Fyffe stated he has quite a bit of traffic in his driveway now with his family and the neighbors don't complain but he understands what they are saying and his intention is to do this by appointment to schedule pickups. He stated he doesn't have any problem complying with that.

Larry Willis asked how wide the driveway is and if there is a turnaround space so they don't have to back out onto Vann Road.

Mr. Fyffe stated his driveway is about 25 feet wide and about 80 feet from the road to the garage. He stated there is room to do a three point turnaround. He stated his family members do that not to avoid backing out onto Vann Road.

Larry Willis stated he just wanted to make it a part of the record.

Ascertaining there were no other questions from the Board and being no remonstrators present, the Chairman called for a motion.

Mike Winge made a motion the findings of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.
7. The use will provide the service of purchasing firearms directly from the manufacturer for public convenience and will not change the residential appearance of the home or the immediate neighborhood.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required Federal, State or Local Permits obtained.
2. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
3. Subject to no identifying or business signs being erected or placed on any site for which an SU-12 has been granted by the Board of Zoning Appeals.
4. Subject to the use not being visible from the exterior of the premises, except for the shipment and receipt of goods, products or items necessary for the SU-12 with no retail sales.
5. Subject to no person or persons being employed other than the resident (or residents) of the site for which the SU-12 has been granted.
6. Subject to the use not expanding, varying, altered or becoming any other use from the specified home occupation identified by the applicant for whom it was granted.
7. The use does not go with the real estate and should the applicant no longer be the occupants, the use is no longer permitted.
8. Subject to the rules and regulations of the ATF.
9. Subject to there being no manufacturing of firearms on the property.
10. No sales at site; all items are presold.
11. Delivery of firearms is permitted at site if required by Federal, State or Local law.

12. Delivery of firearms by the applicant only by appointment and by one pick up at a time.

13. Approval conditioned upon the acquisition of an FFL.

Mike Winge asked if he does any shooting on this property to which Mr. Fyffe stated they do not.

The motion was seconded by Scott Dowers and unanimously carried.

VARIANCE:

BZA-V-11-04 – APPLICANTS & OWNERS: Rodger & Ina Gresham.

PREMISES AFFECTED: Property located on the S side of Lovers Lane approximately 700' E of the intersection formed by Lovers Lane (N 200) & SR 61. Boon Twp. (Complete legal on file.) *1377 Lovers Lane.*

NATURE OF CASE: Applicants request a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana to allow an Improvement Location Permit to be issued for a single family dwelling on property with an existing residence to be removed in an "R-1A" Single Family Dwelling Zoning District. *Advertised in the Boonville Standard February 17, 2011.*

Rodger & Ina Gresham were present.

The Chairman called for a staff report.

Mrs. Rector stated they have submitted all the return receipts from certified mail of notice of this meeting to the adjacent property owners. She stated this Variance is to allow an Improvement Location Permit to be issued for a single family dwelling on property with an existing residence to be removed in an "R-1A" Single Family Dwelling zoning district. She stated the applicants' state on application *We are living in a house on the property that has suffered damage from a huge ice storm, followed by a wind storm. We are attempting to place a modular in front and hook up to city sewage, in the process of being completed (August). We intend to raze the old house upon completion this fall.* Mrs. Rector stated the property to the north, south and east are zoned "R-1A" with residences and the property to the west is zoned "C-1" Neighborhood Commercial with a residence. She added there is no flood plain on the property and there is an existing residential driveway on Lovers Lane. She added that she planned on doing a Hearing Officer for them but they were unable to contact one adjacent property owner personally and so sent out certified notices and came to this meeting. She added they have submitted their Boonville City Sewer Permit and the application is in order. Mrs. Rector stated normally in these types of approvals the Board will allow a certain number of days to remove the existing house after the Certificate of Occupancy has been obtained.

The applicant stated he is having the house special built and he hopes to get it there by May 16th for their 50th anniversary.

Mike Winge asked if he is going to have the old house torn down or is he tearing it down.

Mr. Gresham stated he is going to try to find someone with a backhoe to come in to smash it up and haul it away. He stated the two big storms a couple of years ago did a lot of damage to it.

Mrs. Writsel asked how old the existing house is.

Mr. Gresham stated he has no idea.

Mrs. Writsel asked if it is painted on the interior to which Mr. Gresham stated it is all paneling.

Mrs. Writsel stated she asked because there is some new lead paint legislation and he needs to be careful.

Mr. Gresham stated he thinks there is no lead paint on there.

Larry Willis asked after the new home is located on the property and they have occupied it how long he thinks will take him to get the existing home removed from the premises.

Mr. Gresham stated he isn't really sure. He stated he has been a G.I. all his life and he isn't up on everything but his brother says he knows someone with a backhoe who can knock it down. He stated it all depends on how quickly he can get the new one set up and hooked into the sewer system and move the electric over.

Mike Winge stated the time to remove the old house won't start until they get the new one up.

Larry Willis stated he will also have to dispose of the house in a lawful manner.

Mr. Gresham stated he knows and he wants to put a garage there.

Larry Willis asked if 30 days or 45 days would be long enough to get the old one off.

Mike Winge suggested they give him 60 days.

Mr. Gresham stated he hopes he gets the house in by May but it may not be until August.

Larry Willis again stated the time to remove the old one won't start until the new one is occupied.

Mr. Gresham stated then 60 days would be good.

Larry Willis stated the time frame will be included in their findings and that is why they are discussing this. He stated if they give him a length of time and then he finds he needs additional time he can come back to the Board and plead for more time. He stated he has never known this Board to not give additional time for a reasonable cause. He then thanked Mr. Gresham for his military service to the Country.

Ascertaining there were no other questions from the Board and being no remonstrators present, the Chairman called for a motion.

Tina Baxter made a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is due to weather damage to the existing structure making it unlivable and requires it to be replaced.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.

7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a) Subject to an Improvement Location Permit being obtained.
 - b) Subject to any required Building Permit from the Warrick County Building Department being obtained.
 - c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - d) Subject to all utility easements and facilities in place.
 - e) Subject to sewer permit from City of Boonville or subject to the Rules and Regulations of the Health Department
 - f) Subject to the existing house being removed within 60 days from the issuance of the Certificate of Occupancy.

The motion was seconded by Mike Winge and unanimously carried.

Mr. Gresham asked about all of his permits he needed to obtain and then stated that staff has been very helpful with him and he didn't know how he would have done this without them.

OTHER BUSINESS:

None.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

Being no other business the meeting adjourned at 6:50 p.m.

Larry Willis, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Area of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held February 28, 2011.

Sherri Rector, Executive Director & Secretary